

DIGNITY & RESPECT AT WORK POLICY

1.0 Introduction

The Board of Management of Enable Ireland Sandymount School is committed to ensuring that all employees have the right to a work environment free from bullying, harassment (including sexual harassment), and intimidation. This policy applies to all work-related activities and interactions, including those with colleagues, management, visitors, contractors, parents/guardians, and the wider school community. In order to ensure that dignity is achieved, Enable Ireland Sandymount School is obliged to provide a safe working environment for all of its staff. All stakeholders have a role to play in ensuring this safe working environment. This policy is aimed to assist staff with procedures (appendix 2) should a situation involving threatening or abusive behaviour arise in the course of their work.

Adult bullying and harassment in the workplace are phenomena which this school will seek to prevent and will not tolerate. All employees have the right to be treated with dignity and respect. Management is committed to intervening in an appropriate manner-utilising one of the accepted Management/INTO procedures to investigate and deal with allegations of bullying or harassment. The provisions of Circular 40/97 on *Assaults on staff in primary Schools* will be utilised as appropriate.

1.1 Background

This policy is drawn from the HSE's Dignity at Work Policy (2009) and the "Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work" 2021 ("the Code"). The Code repeals the previous Health and Safety Authority (HSA) and Workplace Relations Commission (WRC) Codes of Practice and introduces new procedures for the management of workplace bullying.

1.2 Purpose

The purpose of this policy is to demonstrate Enable Ireland Sandymount School's commitment to implementing and promoting measures to protect the dignity of staff and to encourage respect for others at work.

This is done by creating a work environment that is free from discrimination, bullying, harassment or sexual harassment, by welcoming diversity and the promotion of employment equality and by dealing effectively with any complaints of such conduct. The policy has a strong preventative focus and emphasises that every staff member has a duty to maintain a working environment in which the dignity of everyone is respected, and has a responsibility in creating and contributing to the maintenance of a work environment free from bullying or from conduct likely to contribute to bullying.

Workplace bullying and harassment adversely affect the quality of staff work by undermining staff morale and can result in absenteeism, stress related illness and higher turnover of staff. Bullying and harassment can have a devastating effect on the health, confidence, morale and performance of those subjected to it. Bullying and harassment may also have a damaging impact on staff not directly subjected to inappropriate behaviour but who witness it or have knowledge of it.

This policy states that any discrimination, bullying, harassment or sexual harassment is prohibited by Enable Ireland Sandymount School, and outlines a procedure to address any incident of such



behaviour (see Appendix 1, 2, 3 & 4). Complaints by staff of any affront to dignity and respect at work will be treated with fairness, sensitivity, respect and confidentiality for all parties concerned. A person alleged to have caused an affront to a person's dignity at work will be afforded natural justice and treated with fairness, sensitivity and respecting the need for confidentiality with all parties concerned.

The policy will be regularly reviewed and updated to reflect Enable Ireland Sandymount School's experiences in; its implementation, relevant changes in the workplace, and any external factors that are relevant.

1.3 Core Principles

- All staff have a right to dignity, respect, and equality at work.
- Bullying, harassment, sexual harassment, and victimisation will not be tolerated.
- The school promotes a positive, inclusive and supportive working atmosphere.
- Management and employees have a joint responsibility to uphold this ethos.

1.4 Legislative Basis

This policy aligns with:

- Safety, Health and Welfare at Work Act 2005
- Employment Equality Acts 1998–2015
- Health & Safety Authority Code of Practice on Bullying (2007)
- INTO's Working Together procedures (2000)
- Circular 0049/2018

1.5 Scope

The EEA 1998 and 2004 extend the scope of previous legislation beyond the protection of staff from other staff and now applies to all individuals within the workplace:

- Staff/staff member
- Service users/owners and family members
- Contractors
- Suppliers
- Visitors to the workplace

This policy applies during contracted working time in Enable Ireland Sandymount School. The policy also applies at work-related social events, business trips and other work-related activities such as training courses or conferences, whether they take place at the school or not, inside or outside contracted hours.



1.6 Equality & Diversity Statement

Enable Ireland Sandymount School prohibits and will not tolerate discrimination, bullying, harassment, or sexual harassment by one staff member or group of staff against another or others for any reason. Enable Ireland Sandymount School promotes a workplace culture of dignity, respect and openness to diversity which should be reflected in the actions and behaviour of all staff.

Enable Ireland Sandymount School is committed to equal opportunity of employment and all employment policies, procedures and practices will be based on merit, qualifications and abilities.

Enable Ireland Sandymount School supports the concept of diversity through an inclusive environment and culture that seeks, respects, values and benefits from differences. Individual staff members will be valued based on their skill and contribution, as we believe that the perspectives and experiences of our staff are the key to our success.

Enable Ireland Sandymount School promotes the principle of dignity and respect for all. Dignity and respect are about accepting the individual differences and similarities that each person brings to the workplace. It is not solely about different nationalities or genders working together, but embraces a mixture of people in age, education, geographic origin, family status, type of work, cultures, religious beliefs, personal styles and sexual orientations.

2.0 Definitions

Examples of Unacceptable Behaviour

- Verbal abuse or insults
- Social exclusion or isolation
- Intimidation or threats
- Persistent criticism or undermining
- Unreasonable workloads or deadlines
- Inappropriate emails or digital messages
- Sexual gestures, comments, or innuendos
- Pressure for personal favours

2.1 Source of Definitions

This section contains the definitions of bullying, harassment and sexual harassment as set out in the "Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work (2021)"

2.2 Bullying

What is workplace bullying?

The Code's definition is; "Workplace bullying is repeated inappropriate behaviour, direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work [onsite or remote] and/or in the course of employment, which could be reasonably regarded as undermining the individual's right to dignity at work. An isolated incident of the behaviour described in this definition may be an affront to dignity at work, but, as a once off incident, is not considered to be bullying".



A key characteristic of bullying is that it usually takes place over a period of time. It is regular and persistent inappropriate behaviour which is specifically targeted at one staff member or a group of staff. It may be perpetrated by someone in a position of authority, by staff/staff member against management or by staff/staff member in the same grade as the recipient.

Bullying differs to harassment. Bullying does not have to rely on any of the discriminatory grounds covered by the Employment Equality Act 1998 to 2015 (see full list in section 2.3)

What Bullying is Not

The following do not constitute bullying:

- An isolated incident of inappropriate behaviour may be an affront to dignity at work but, as a once-off incident, is not considered to be bullying, e.g. an occasional bout of anger or a conflict of views.
- Fair and constructive criticism of staff performance conduct or attendance.
- Reasonable and essential discipline arising from the good management of the performance of staff at work.
- Actions taken which can be justified as regards the safety, health and welfare of staff.
- Legitimate management responses to crisis situations which require immediate action.
- Complaints relating to instructions issued by management, assignment of duties, terms and conditions of employment or other matters which are appropriate for referral under the normal grievance procedure.

Examples of Bullying

The following are some examples of the type of behaviour which may constitute bullying. These examples are illustrative but not exhaustive:

- Constant humiliation, ridicule, belittling efforts – often in front of others
- Verbal abuse, including shouting, use of obscene language and spreading malicious rumours
- Showing hostility through sustained unfriendly contact or exclusion
- Inappropriate overruling of a person's authority, reducing a job to routine tasks well below the person's skills and capabilities without prior discussion or explanation
- Persistently and inappropriately finding fault with a person's work and using this as an excuse to humiliate the person rather than trying to improve performance
- Constantly picking on a person when things go wrong even when they are not responsible.

2.3 Harassment

Harassment (other than sexual harassment) is any form of unwanted conduct related to any of the discriminatory grounds covered by the Employment Equality Acts 1998 to 2015. The grounds are: gender, civil status, family status, sexual orientation, religious beliefs, age, disability, race, membership of the traveller community.

Harassment is defined in the act as any form of unwanted conduct related to any of these discriminatory grounds which has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person.



The unwanted conduct may include acts, requests, spoken words, gestures or the production, display or circulation of written words, pictures or other material.

Harassment is inappropriate behaviour based on the relevant characteristic of the staff/staff member such as race, religious beliefs, age or any of the other grounds covered by the Act. Inappropriate behaviour that is not linked to one of the nine discriminatory grounds is not covered by this definition.

Harassment may be targeted at one staff member or a group of staff. Harassment may consist of a single incident or repeated inappropriate behaviour.

The following are examples of inappropriate behaviour which may constitute harassment. These examples of harassment are illustrative but not exhaustive:

- Verbal harassment, e.g. jokes, derogatory comments, ridicule or song
- Written harassment, e.g. text messages, e-mails or notices
- Physical harassment, e.g. jostling or shoving
- Intimidatory harassment, e.g. gestures or threatening poses
- Visual displays, e.g. posters, emblems or badges
- Persistent negative body language
- Ostracising a person

2.4 Sexual Harassment

Sexual harassment is any form of unwanted verbal, non-verbal or physical conduct of a sexual nature which has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person.

The unwanted conduct may include acts, requests, spoken words, gestures or the production, display or circulation of written words, pictures or other material.

Sexual harassment may consist of a single incident or repeated inappropriate behaviour. It may be targeted at one staff member or a group of staff.

- The following are some examples of inappropriate behaviour which may constitute sexual harassment. These examples are illustrative but not exhaustive:
- Physical conduct of a sexual nature, e.g. unwanted physical contact such as unnecessary touching, patting or pinching or brushing against another staff member's body
- Verbal conduct of a sexual nature, e.g. unwelcome sexual advances, propositions or pressure for sexual activity, continued suggestions for social activity outside the workplace after it has been made clear that such suggestions are unwelcome, unwanted and offensive flirtations, suggestive remarks, innuendos or lewd comments
- Non-verbal conduct of a sexual nature, e.g. the display of pornographic or sexually suggestive pictures, objects, written materials, emails, text-messages or faxes
- Unwanted or derogatory comments about dress or appearance
- Leering and suggestive gestures



2.5 Digital Harassment

- Emails must be respectful and allow 5 school days for response.
- Staff are not expected to check emails outside work hours.
- Mass emailing, “reply to all” misuse, or digital intimidation is covered under this policy.
- Staff are not required to engage in social media or private online connections with other staff or parents.

2.6 Miscellaneous

How does harassment and sexual harassment differ from Friendly Workplace Banter?

It is the unwanted nature of the conduct which distinguishes sexual harassment and harassment from friendly behaviour. It is what the person who is being subjected to the treatment thinks/feels that is taken into consideration. It is up to each staff member to decide what behaviour is unwelcome, irrespective of the attitude of others, and from whom such behaviour is unwelcome. The fact that the staff member has previously tolerated the behaviour does not stop them from objecting to it now.

Intention

The intention of the person engaging in the unwelcome behaviour is irrelevant – the effect of the behaviour on the staff/staff member concerned is what is important.

Victimisation

The Employment Equality Acts 1998 & 2015 prohibit and protect against victimisation or any other adverse action for filing a complaint or for assisting in an investigation. Staff found engaging in such inappropriate conduct will be subject to disciplinary action up to and including dismissal.

*Note: All of the examples above are not exhaustive and only serve as a guideline to staff. Each case will be taken in isolation and dealt with in the appropriate manner.

Harassment by Stakeholders

Parents, guardians, and other school stakeholders are expected to behave respectfully. Aggressive or inappropriate behaviour may result in removal from school premises or Garda involvement if necessary.

3.0 Roles & Responsibilities

Everyone in Enable Ireland Sandymount School has the responsibility to prevent discrimination, bullying, harassment and sexual harassment and to report any instances that they are witness to.

- All employees are responsible for treating colleagues respectfully and reporting concerns.
- Management must respond promptly and appropriately to all complaints.
- Confidentiality will be maintained throughout all processes.

3.1 Enable Ireland Sandymount School

It is Enable Ireland Sandymount School’s responsibility to ensure that adequate resources are made available to promote respect and dignity in the workplace and to effectively deal with complaints of bullying and harassment.



This policy will be communicated to all school staff and all staff will be made aware of their responsibilities.

Effective communication of an outcome of any complaint is critical. Enable Ireland Sandymount School will ensure that outcomes are communicated sensitively and fairly. All parties directly involved in the complaint (i.e. complainant(s) and respondent are entitled to know whether the complaint is upheld in whole or in part, or if it is not upheld, the reason why). If disciplinary action is warranted, specific details of such disciplinary action to be taken against any party are confidential to the employer and staff member.

3.2 Staff in Enable Ireland Sandymount School:

It is agreed that we will all work to make this school a good place to work. A good place to work has a positive work environment characterised by:

- A supportive atmosphere
- Good and open communication
- Appropriate interpersonal behaviour
- Collaboration
- Open discussion and resolution of conflict
- Recognition, feedback and affirmation as appropriate
- Fair treatment of all staff (including fair systems of selection and promotion in line with agreed procedures (appendix 2))

Every person has a responsibility to play their part in contributing to a positive work environment (onsite and/or remote) in which the dignity of all individuals is respected. In this regard, a person who is a witness or bystander has a clear responsibility to raise concerns about dignity at work and threats to this, in an appropriate and timely manner. Staff members must inform school management either verbally or in writing if they are concerned that a colleague is being treated badly in any way.

All staff must comply with this policy and ensure that their behaviour does not cause offence to fellow workers or any person with whom they come into contact during the course of their work.

School management are required to deal promptly and effectively with any incidents of inappropriate behaviour, bullying or harassment of which they are aware or ought to be aware either conveyed verbally or in writing.

School management must:

- Ensure the Enable Ireland Sandymount School Dignity and Respect at Work Policy is delivered as part of induction for all new staff and ensure all existing staff are aware and understand their roles and responsibilities.
- All staff will be asked to sign our Dignity and Respect at Work Charter (Appendix 1) at the start of each new school year.
- Set a good example by treating staff and any other people with whom they come in to contact with courtesy and respect.



- Respond sensitively, promptly and discreetly to any complaints made by staff in relation to bad behaviour, bullying, harassment and sexual harassment (this includes attempts at informal resolution of matters where appropriate).
- Monitor and follow up the situation after a complaint is dealt with to prevent recurrence of complained behaviour.
- Keep a record of all complaints and how they were solved.

3.3 Support Contact Persons

The Department recognises the need for school staff wellbeing and collective self-care. An **Occupational Health Strategy** is in place as a supportive resource for staff in schools.

The aim of the Occupational Health Strategy is to promote the health and wellbeing of employees in the workplace, with a strong focus on prevention. The Occupational Health Strategy comprises the Employee Assistance Service and the Occupational Health Service. The Employee Assistance Service (EAS) is provided by Spectrum life. They are providing this support under the banner of 'Wellbeing Together: Folláinne Le Chéile'.

Under the EAS, employees have a dedicated free-phone confidential helpline 1800 411 057 available 24 hours a day, 365 days a year providing advice on a range of issues such as wellbeing, legal, financial, mediation, management support etc. Where required, short-term counselling is available to employees and their families (over the age of 18 years and living at home).

A bespoke wellbeing portal and app which offers access to podcasts and blogs on topics around wellbeing and mental health, family life, exercise and nutrition is also available. In addition, online cognitive behavioural therapy is provided. Spectrum life will also be providing a series of webinars and presentations to promote staff wellbeing in schools during the school year. Additional support for school staff wellbeing is also available from the Department's support services including the Professional Development Service for Teachers (PDST) and the Centre for School Leadership (CSL), as well as by the HSE's Health Promotion Team.

External Complaints and Support

Staff may contact external bodies including:

- **Employee Assistance Scheme:** 1800 411 057
- **Dublin Rape Crisis Centre:** 1800 77 8888
- **Union representatives or Teaching Council:** for further guidance

3.4 False Complaints

If a complaint is found to be untrue and reckless or malicious in nature, the Enable Ireland Sandymount School Disciplinary Policy & Procedure will be invoked against any person who may be found to have been untruthful or acting in a reckless or malicious way with regard to the complaint or to have knowingly or recklessly abused the company policy and procedure on dignity and respect at work.

3.5 Statutory Redress

This policy is designed to support staff in the resolution of complaints of bullying/ harassment. However, it does not prevent staff from exercising their statutory entitlements under the Industrial



Relations Acts, 1946 to 2004 or the Employment Equality Acts 1998 to 2015. Complaints under the Employment Equality Act must be brought within 6 months of the last act of discrimination.

External support for staff/staff members is available through the HSA and the WRC should their complaint not be resolved satisfactorily internally (see Appendix 6).

- i. The HSA offers a Workplace Contact Unit to staff/staff members to report bullying. An employee/colleague may also make contact to request information about workplace bullying.
- ii. A staff/staff member may also refer a “trade dispute” under the Industrial Relations Act to the WRC for adjudication. The Adjudicator will not re-hear the case, their focus will be on whether the investigation was conducted properly and fairly. A non-binding recommendation may issue.

Review and Ratification

This policy was reviewed and ratified by the Board of Management and will *be reviewed by the Board of Management every 3 years or as required by legislative updates.*

Signed:



Sé Goulding, Chairperson of Board of Management



Jennifer Doyle, Principal

Date: 25 September 2025



APPENDIX 1 Dignity and Respect at Work Charter

The staff, pupils and parents of Enable Ireland Sandymount School commit to upholding, promoting and modelling the Values and Vision for our school that are outlined below.

All individuals directly employed or contracted by us, and all visitors to our school, have a responsibility to uphold, and are subject to our Dignity and Respect at Work Charter. Our charter encompasses our shared values and vision for our school and outlines our rights and responsibilities in this regard.

School Values

Respect
Kindness
Courage
Trust
Fun

School Vision

To build and maintain a workplace that supports every individual's right to dignity and respect, and ensure every person is treated equally and fairly.

Rights

- a. To work in a happy and safe environment.
- b. To be treated with courtesy, kindness, and respect.
- c. To be treated equally and fairly.
- d. To have access to a support mechanism that deals with conflict.
- e. To have one's privacy and confidentiality respected and safeguarded.

Responsibilities

- a. To behave in a way that promotes a happy and safe environment for all.
- b. To treat others with courtesy, kindness, equality and respect.
- c. To resolve conflicts respectfully using the agreed mechanism should they arise
- d. To respect and safeguard the right to privacy for others.

Therefore, I commit to uphold the values of our school and act in a way that is respectful, kind, courteous, polite and patient to pupils, parents and staff.

I will use the agreed Conflict Resolution mechanism to address any incidents of inappropriate behaviour towards me or others that may occur.

Signed: _____

Date: _____



APPENDIX 2 REPORTING PROCEDURES

Reporting Discrimination, Bullying, Harassment or Sexual Harassment

Should a staff member believe that they have been discriminated against, bullied, harassed or sexually harassed, they should follow either the informal or formal procedures (See Appendix 3 & 4) outlined below. Informal resolution procedures should be contemplated and where appropriate exhausted, before a formal process is invoked. A staff member can request to skip the informal reporting procedure but the decision should rest with management. An individual may choose to follow either procedure and will not be penalised for failing to initiate the informal procedure in the first instance.

Staff who believe that they are being discriminated against, bullied, harassed or sexually harassed in the work place are encouraged to approach school management.

Staff should be aware that, if a complaint is deemed serious, school management will, in accordance with their duty, act upon such a complaint even if a staff member is not prepared to proceed with a formal complaint.

Also, where an individual recognises any of the above behaviours being directed at a colleague or carried out by any third party such as a service user/owner, supplier or customer, they should report such behaviour to their manager, a more senior manager, or any other manager as appropriate.

Reported allegations of discrimination, bullying, harassment or sexual harassment will be treated seriously and investigated promptly. Complaints will be dealt with sensitively and confidentially as far as this is possible, allowing for the requirements of a fair investigation as complainants(s) and alleged perpetrator(s) are all staff members. The complaint may be valid but consideration should also be given to the fact that the complaint may be malicious.

Where allegations are proven they will be dealt with under the Enable Ireland Sandymount School Disciplinary Policy and Procedure. The penalty imposed will be appropriate to the gravity of the conduct involved and could result in the dismissal of a staff member against whom a complaint has been proven. This policy adopts a two-tiered approach (the informal and formal procedures) to the issues of discrimination, bullying, harassment or sexual harassment in the workplace.

Outcomes:

- If bullying/harassment is found: disciplinary action may be taken.
- If not found: no record will be kept unless the complaint was malicious.
- Victimisation for participating in a complaint will be treated as misconduct.



APPENDIX 3 INFORMAL PROCEDURES

1. Initial Informal Process

The purpose of the informal procedure is to ensure that the majority of cases of this nature will be handled effectively, efficiently, in a confidential and sensitive manner and with the minimum of conflict. It may be appropriate to adopt an informal approach, which might resolve the difficulty that has arisen.

In this process, staff may wish to explain to the person who, in their opinion, is engaging in the inappropriate conduct, that what they are doing is unwelcome, improper or offensive as the case may be. The staff/staff member should inform the individual of the Enable Ireland Sandymount School Dignity & Respect Policy and advise them that any further occurrence of this nature may result in a formal complaint.

The person concerned may not have realised the nature or effect of what they were doing or had done. If the staff member finds it difficult or embarrassing to adopt this approach, they should follow the formal procedure.

2. Secondary Informal Process

If the above is unsuccessful or if the complainant or Enable Ireland Sandymount School deem it inappropriate for the seriousness of the issues, this more protracted, yet still informal system can be put in place:

- a. Enable Ireland Sandymount School will nominate a separate person who has had appropriate training and experience and who is familiar with the procedures involved to deal with the complaint on behalf of the school.
- b. The complaint may be verbal or written. If verbal, a written note of what is complained of should be taken by the nominated person and a copy given to the complainant.
- c. This nominated person (school management), managing the complaint, should then establish the facts, the context and then the next course of action in dealing with the matter under the informal procedure.
- d. If the complaint concerns alleged bullying as defined and includes concrete examples of inappropriate behaviour, the person complained against should be presented with the complaint and their response established.
- e. Thereafter a method should be agreed to progress the issue to resolution so that both parties can return to a harmonious working environment without bullying being a factor.
- f. If the behaviour complained of does not concern alleged bullying as defined, an alternative approach should be put in place and a rationale recorded. If there are no concrete examples given, it must be deemed that there is no complaint to be answered by the person complained of as they have no recourse to repudiating an accusation that does not give any specifics.
- g. School management should be kept informed, as appropriate, about the process in train.
- h. Steps to stop the bullying behaviour, where it has been partly or fully identified, and monitor the situation along specified lines should be implemented with both parties. This may involve a direct or indirect approach and possible resolution through a programme to



change behaviour. It may also involve mediation by an agreed mediator who is practised in dealing with alleged bullying at work.

Adequate time needs to be allowed for the mediation or on-going monitoring process to be successful and behaviour change to be realistically achieved over the longer term. It may be necessary to consider if other working arrangements are required or feasible during this short-term phase. A proposal should be made, considered, and an action and time frame established, signed and dated, preferably by both parties.

- i. The nominated person who is responsible for managing the complaint should keep a nominal record of all stages; the complaint, the first meeting, action agreed and signed records of the final meeting. The purpose of the records, which do not include detail of discussions, is to provide evidence of the complaint having been met with an organisational response and attempt at resolution. Records should be kept in accordance with Data Protection policies and procedures.
- j. Information disclosed in the course of mediation must remain within the mediation process and must not be given by the mediator to anyone or to an investigator if there is a subsequent investigation at formal stage.
- k. Confidentiality is crucial for this stage to be effective and breaches of confidentiality, where exposed, will be treated as serious breaches of discipline.

3. Progressing a Complaint

In the interest of each and every staff member's health and wellbeing, a problem or potential problem must not be ignored. Any issue of concern should be brought to the attention of school management. All complaints procedures in Enable Ireland Sandymount School are based on the principles of natural justice and fairness.

In making a complaint it is helpful to record any incidents – i.e. where, when, and what took place, any witnesses and copies of any written material. In the event that the informal procedure is not effective, or is considered inappropriate, the following procedure can be followed. Choosing to by-pass the informal procedure will not reflect negatively on the complainant.



APPENDIX 4 FORMAL PROCEDURES

Stage 1:

The staff member is required to provide a written complaint, outlining the details of the complaint and its application to the relevant section of this policy. This written complaint can be given to management team. All such complaints must be notified to the principal, by the recipient of the complaint.

The alleged perpetrator will be notified of the allegations made against them and given an opportunity to respond. The complaint will be examined and a decision will be made on the appropriate course of action to be taken that could include an informal solution, mediation (see Appendix 4) or the initiation of a formal investigation.

Stage 2:

At this stage of the process both parties may be offered the option of mediation. Where both parties are agreeable to mediation, a mediator will be appointed. The mediator will assist to find a solution that would be satisfactory to both parties. If this stage fails, or if either party refuses to accept the offer of mediation, then the complaint will progress to stage three of this procedure.

Stage 3:

The formal process is something to use only if the informal process is not appropriate or has been exhausted.

Where an investigation is considered the appropriate course of action, it will be undertaken as sensitively and quickly as possible while ensuring fairness to all parties involved. Investigations will be carried out having due regard to staff/staff member rights to information of the complaints against them, representation and the right to make statements submissions or comments on the allegations.

An investigator is appointed and Terms of Reference prepared. During the investigation all parties involved in the complaint may be interviewed which includes the complainant, the alleged perpetrator and any relevant witnesses. If, having made a complaint, a staff member wishes to know the status of the investigation they should contact the investigator

Staff will be entitled to all information relevant to the investigation, however where issues of particular sensitivity or confidentiality arise discretion on release of such data will be applied. Every effort will be made to keep those involved in the matter informed of the up- to-date position.

Stage 4:

The Investigator's role is to determine, having gathered the facts, whether the alleged behaviour or any other inappropriate behaviour may, on the balance of probabilities, have occurred or not.

Following completion of the investigation, a written report will be issued to the investigation commissioner. The investigation commissioner will then convey, in writing, the outcome of the investigation to the complainant, the alleged perpetrator and, where appropriate, any other person with a significant involvement in the matters at issue. If, following an investigation, the complaint is upheld in full or in part, Enable Ireland Sandymount School reserves the right to invoke the



Disciplinary Policy & Procedure, as appropriate, when the relevant party is a staff/staff member of the organisation.

Where the perpetrator is a third party to the organisation, Enable Ireland Sandymount School will take the appropriate steps to ensure that there is no possibility of a recurrence of the behaviour. This may include termination of a contract for services, or restricting the need for both parties to work together.

Appeal

(section based on section 4.2.4 Code of Practice for Employers and Employees on the prevention and Resolution of Bullying at Work)

An appeal process of the conduct of the investigation, fair process and adherence to the procedures set out in this policy is available to both the complainant and respondent. The appeal process is not a re-hearing of the case.

The reason for the appeal should be outlined in writing to management if such an option is being taken. The time period for an appeal should be specified in the policy. The appeal should be heard by another party, of at least the same level of seniority as, but preferably more senior than, the original investigator. This party should have had no involvement in the investigation. The appeal should focus on the conduct of the investigation in terms of fair process and adherence to procedure

Management of Malicious complaints

A malicious complaint can be described as an allegation being made without foundation, and with malicious intent, where a person knowingly or without regard to whether it is true or not, accuses another person of allegedly bullying them. This could also apply to where one person maliciously complains of someone allegedly bullying a third party, without fully exploring the veracity of the claim.

A malicious complaint has the power to disrupt another person's life to a significant extent and the potential damage should not be underestimated. Being accused of bullying can have a serious impact on any person and reduce his or her reputation in the eyes of others, even if later shown to not have been proven. Those making complaints, and those involved in early assessment of the circumstances of a complaint, should always be mindful of the context and situational aspects of the event and accept the different perspectives and points of view different people bring to the same event.

Making a malicious complaint, if proven, can have serious implications for the employment of the person making such a complaint and this includes disciplinary action, where established.



APPENDIX 5 MEDIATION

Mediation is an effective method under the Dignity and Respect at Work Policy for resolving complaints of bullying and harassment. The objective of mediation is to resolve the matter speedily and confidentially without recourse to a formal investigation and with the minimum of conflict and stress for the individuals involved. Mediation requires the voluntary participation and co-operation of both parties in order to work effectively.

Both parties will be requested to consider the use of mediation and every effort will be made to secure their agreement.

An assigned mediator will meet with both parties, usually separately to begin with, to discuss the alleged offending behaviour. The mediator may then bring both parties together to reach a common understanding and agreement on acceptable future behaviour. A mediated agreement seeks to reach an accommodation between the parties and thereby restore harmonious working relations. A mediated solution will not result in the issues being dealt with under the Disciplinary Policy & Procedure. Minimal paperwork and/or records will be generated by this process.

If the mediation process does not produce a satisfactory outcome, the complainant may seek to have the matter resolved through formal investigation (see Appendix 2).

If the matter remains unresolved at this stage, a formal investigation will be carried out.

Note: Mediation may be attempted at any/all points in the procedure to try to resolve the matter. Mediation may be attempted again during the formal investigation or following the outcome of the investigation.



APPENDIX 6 DIGNITY & RESPECT AND NON-STAFF

Role of Students/Family Members

Enable Ireland Sandymount School promotes the principle of dignity and respect for all.

Student and family members have a role to play in ensuring a safe environment for other service users/owners and family members, along with staff/staff members in Enable Ireland Sandymount School. Interactions between students/family members and staff/staff members should always be carried out in a professional, courteous and dignified manner.

Enable Ireland Sandymount School does not tolerate inappropriate behaviour in the workplace from either staff or students /family members.

Unacceptable Behaviour from Staff

Students/family members should report any inappropriate behaviour that might fall in to the categories of discrimination, bullying, harassment or sexual harassment to a member of the school management team as soon as possible.

If the family member deem it necessary, the relevant school management will:

- Arrange for a family meeting to be held at local level.
- If issues are not resolved at this meeting, then the parents/family are invited to place their complaint/grievance in writing and brought as a formal complaint to school management.

Please refer to the Enable Ireland Sandymount School Complaints Policy.

Unacceptable Behaviour from a Student /Family Member

In order to ensure that dignity is achieved, Enable Ireland Sandymount School is obliged to provide a safe working environment for all of its staff. Family members have a role to play in ensuring this safe working environment.

We are aware that many families have to cope with very difficult situations. We understand that in some cases, families of children may experience frustration or dissatisfaction. On rare occasions, it can happen that family members become angry and this anger can be inappropriately directed at staff.

This anger might be expressed through shouting, aggressive behaviour, or the use of unacceptable language. Staff may feel threatened or bullied during an interaction with a family member.

This policy is aimed to assist staff with procedures should a situation involving threatening or abusive behaviour from a family member arise in the course of their work.

Role of Staff

- At the earliest signs of threatening, abusive, inappropriate, intimidating or bullying behaviour, staff should adjourn the intervention. This should be done in a professional and courteous manner so the matter can be resolved easily. Allow the family member to finish and then express your discomfort with the situation.
- A staff member must not raise their voice or respond to threatening behaviours in an inappropriate way.



- A staff member who adjourns an interview, meeting, intervention or leaves a family home in these circumstances, is required to make a full verbal and written report to their line manager.
- The written report should be sent to the principal.

Role of the Principal

The Principal will meet the staff/staff member and provide any necessary support by referring the staff/staff member to a Support Contact Person.

The line manager / service manager will need to review the situation and facilitate a resolution, prior to any intervention being resumed with the family.

If it is deemed necessary to initiate contact with the service user/owner/family members, the following steps must be adhered to:

Arrange for a family/team meeting to be held at local level.

If issues are not resolved at a meeting, then the staff/staff member are invited to place their complaint/grievance in writing and brought as a formal complaint to the BOM.

Complaints

All complaints made under Enable Ireland Sandymount School's Dignity and Respect at Work Policy will be taken seriously, will be held in confidence and will be investigated promptly and in an impartial manner.

Please refer to the Enable Ireland Sandymount School Complaints Policy.

References

HSA (2021) Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work, HSA Database. [Online] Available at:
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Employment Rights Ireland (2019) '9 Grounds of Discrimination', Employment Rights Ireland Database [Online] Available at:

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HSE (2009) Dignity at Work Policy for the Health Service: Anti Bullying, Harassment and Sexual Harassment Policy and Procedure' HSE Database. [Online] Available at:

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